

REMARKS

The Applicant has now had an opportunity to carefully consider the comments set forth in the Office Action mailed December 30, 2005. All of the rejections are respectfully traversed. Reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed December 30, 2005:

claims 1-3, 5, 7, 8, 16 and 20-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,731,314 to Cheng, et al. ("Cheng") in view of U.S. Patent No. 6,400,722 to Chuah, et al. ("Chuah"); and

claims 4, 6, 9-15 and 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng and Chuah and further in view of U.S. Patent No. 6,308,565 to French, et al. ("French").

The Claims are not Obvious

Claims 1-3, 5, 7, 8, 16 and 20-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of **Chuah**. The remainder of the pending claims, **claims 4, 6, 9-15 and 17-19** were rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng and **Chuah** and further in view of French.

However, **Chuah** issued on June 4, 2002. The present application was filed on August 20, 2001. Therefore, it is respectfully submitted that Chuah is only available as a reference under one or more of 35 U.S.C. 102(e), (f) and (g). Additionally, at the time the invention was made, Chuah was assigned or under obligation to be assigned to Lucent Technologies, Inc. (see Reel/Frame 009713/0319), the assignee of the present application (see Reel/Frame 012486/0370). Therefore, it is respectfully submitted that under 35 U.S.C. 103(c), Chuah is not available as a reference against the claims of the present application.

For at least the foregoing reasons, **claims 1-22** are not anticipated and are not obvious in light of Cheng, Chuah and French taken alone or in any combination.

Telephone Interview

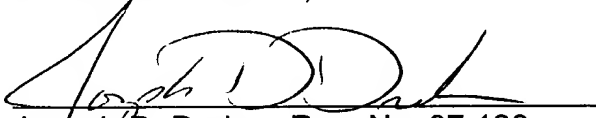
In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-22 remain in the application. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

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April 12, 2006

Date

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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